

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Richard Lee Testut
Annette Jean Crowe
Debtor(s)

Bankruptcy Case No.: 15-70579-JAD
Issued per 7/16/2020 Proceeding
Chapter: 13
Docket No.: 119 – 113, 115
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 6/15/2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Bayview Loan [Claim #11] with all payment changes; PA. Dept. of Revenue [Claim #4]; Internal Revenue Service [Claim #3] .
- ☒ H. Additional Terms: Peritus [Claim #6] and Gateway [Claim #2] will not receive any additional payments.

Quantum [Claim #1] governs at 0% interest.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: July 24, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Richard Lee Testut
Annette Jean Crowe
DebtorsCase No. 15-70579-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: skoz
Form ID: 149Page 1 of 2
Total Noticed: 46

Date Rcvd: Jul 24, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 26, 2020.

db/jdb
cr +Richard Lee Testut, Annette Jean Crowe, 1059 Gemmell Road, Homer City, PA 15748-7811
+BANK OF AMERICA, N.A., Kristen D. Little, Esquire, SHAPIRO & DENARDO, LLC,
3600 Horizon Drive, Suite 150, King of Prussia, PA 19406-4702
14093658 ACS, P.O. Box 371834, Pittsburgh, PA 15250-7834
14093657 +Aaron's Sales and Lease Ownership, 2020 Shelly Drive, Indiana, PA 15701-2388
14093659 +Amanda L. Crowe, 684 North Ridge Road, Shelocta, PA 15774-7320
14093660 Bank of America Home Loans, P.O. Box 5170, Simi Valley, CA 93062-5170
14167629 Bank of America, N.A., PO Box 31785, Tampa, FL 33631-3785
14093661 +Bouma Chiropractic Clinic, P.C., 102 Christy Park Drive, Indiana, PA 15701-1584
14344275 ECMC, PO BOX 16408, St. Paul, MN 55116-0408
14093664 +First National Bank, P.O. Box 6122, Hermitage, PA 16148-0922
14110064 +First National Bank of Pa., 4140 East State St, Hermitage, PA 16148-3401
14093666 First Premier Bank, P.O. Box 5524, Sioux Falls, SD 57117-5524
14093665 First Premier Bank, P.O. Box 5529, Sioux Falls, SD 57117-5529
14093668 Indiana Regional Imaging, PC, 7 Acee Drive, Natrona Heights, PA 15065-9700
14093670 Indiana Regional Medical Center, 835 Hospital Road, P.O. Box 788, Indiana, PA 15701-0788
14093672 Indiana Regional Medical Center, c/o Penn Credit Corporation, P.O. Box 988,
Harrisburg, PA 17108-0988
14093677 +Latrobe Area Hospital, c/o DCI, P.O. Box 200, Greensburg, PA 15601-0200
14093678 Latrobe Area Hospital, c/o CBCS, P.O. Box 2724, Columbus, OH 43216-2724
14093679 Latrobe Hospital, Cashier, 134 Industrial Park Road, Suite 2400,
Greensburg, PA 15601-7848
14093680 +Meaningful Beauty, P.O. Box 360252, Des Moines, IA 50336-0252
14109358 +NELNET NHELP-III/TRUST on behalf of MHEAC, d/b/a ASA, Keith Coburn, MHEAC d/b/a ASA,
100 Cambridge Street, Suite 1600, Boston, MA 02114-2518
14093681 +North Shore Agency, Inc., P.O. Box 9221, Old Bethpage, NY 11804-9021
14093685 +Shapiro & DeNardo, LLC, 3600 Horizon Drive, Suite 150, King of Prussia, PA 19406-4702
14762996 eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: bkmailbayview@bayviewloanservicing.com Jul 25 2020 03:20:38
BAYVIEW LOAN SERVICING, LLC, 4425 Ponce De Leon Blvd. 5th Floor,
Coral Gables, FL 33146-1873
cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 25 2020 03:16:57
PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
cr E-mail/PDF: rmscedi@recoverycorp.com Jul 25 2020 03:16:56
Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
Miami, FL 33131-1605
14354916 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Jul 25 2020 03:20:38
Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd. 5th Floor,
Coral Gables, Florida 33146-1873
14157621 +E-mail/Text: bankruptcy@consumerportfolio.com Jul 25 2020 03:20:31
CONSUMER PORTFOLIO SERVICES, INC., PO BOX 57071, IRVINE, CA 92619-7071
14093662 E-mail/Text: G06041@att.com Jul 25 2020 03:20:37 DirecTV, P.O. Box 78626,
Phoenix, AZ 85062-8626
14093663 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 25 2020 03:20:24 First Bank of Delaware,
c/o Midland Credit Management, Inc., 8875 Aero Drive, Suite 200,
San Diego, CA 92123-2255
14093667 E-mail/Text: GOLF_STBankruptcy@gatewayonlending.com Jul 25 2020 03:20:01
Gateway One Lending & Finance, LLC, 175 N. Riverview Drive, Anaheim, CA 92808
14093669 E-mail/Text: bdsupport@creditmanagementcompany.com Jul 25 2020 03:20:37
Indiana Regional Medical Center, c/o Credit Management Company, P.O. Box 16346,
Pittsburgh, PA 15242-0346
14093673 E-mail/Text: sbse.cio.bnc.mail@irs.gov Jul 25 2020 03:20:07 Internal Revenue Service,
P.O. Box 7346, Philadelphia, PA 19101-7346
14093674 E-mail/Text: JCAP_BNC_Notices@jcap.com Jul 25 2020 03:20:33 Jefferson Capital Systems, LLC,
P.O. Box 953185, Saint Louis, MO 63195-3185
14093676 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 25 2020 03:20:11 Kay Jewelers,
P.O. Box 3680, Akron, OH 44309-3680
14093675 E-mail/Text: BKRMailOPS@weltman.com Jul 25 2020 03:20:09 Kay Jewelers, P.O. Box 740425,
Cincinnati, OH 45274-0425
14093682 E-mail/PDF: cbp@onemainfinancial.com Jul 25 2020 03:16:26 OneMain Financial,
Bankruptcy Department, P.O. Box 6042, Sioux Falls, SD 57117-6042
14153058 +E-mail/PDF: cbp@onemainfinancial.com Jul 25 2020 03:16:52
OneMain Financial Group, LLC ASF Wells Fargo Bank,, 6801 Colwell Blvd, Mail Stop:NTSB:1310,
Irving, TX 75039-3198
14381532 E-mail/Text: peritus@ebn.phinsolutions.com Jul 25 2020 03:20:48
PERITUS PORTFOLIO SERVICES II, LLC, PO BOX 141419, Irving, Tx 75014-1419
14093684 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 25 2020 03:16:29
Portfolio Recovery Associates, LLC, 120 Corporate Blvd., Norfolk, VA 23502
14093683 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 25 2020 03:17:27
Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541

District/off: 0315-7

User: skoz
Form ID: 149

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Total Noticed: 46

Date Rcvd: Jul 24, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14693852 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 25 2020 03:39:58
Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
14101498 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jul 25 2020 03:20:22
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, Pa. 17128-0946
14096970 E-mail/Text: bnc-quantum@quantum3group.com Jul 25 2020 03:20:15
Quantum3 Group LLC as agent for, Sterling Jewelers Inc, PO Box 788,
Kirkland, WA 98083-0788
14098698 E-mail/PDF: rmscedi@recoverycorp.com Jul 25 2020 03:17:26
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605

TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr Bayview Loan Servicing, LLC, a Delaware Limited Li
cr* ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
cr* ++GATEWAY ONE LENDING & FINANCE LLC, 175 N RIVERVIEW DRIVE, ANAHEIM CA 92808-1225
(address filed with court: Gateway One Lending & Finance, LLC, 175 N. Riverview Dr.,
Anaheim, CA 92808)
cr* PERITUS PORTFOLIO SERVICES II, LLC, PO BOX 141419, IRVING, TX 75014-1419
cr* eCAST Settlement Corporation, PO Box 29262, New York, NY 10087-9262
14093671* +Indiana Regional Medical Center, 835 Hospital Road, P.O. Box 788, Indiana, PA 15701-0788
14120759 ##+Porania LLC, P. O. Box 11405, Memphis, TN 38111-0405

TOTALS: 1, * 5, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 26, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on July 24, 2020 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited
Liability Company ecfmil@mwc-law.com, ecfmil@ecf.courtdrive.com
Ann E. Swartz on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability
Company ecfmil@mwc-law.com, ecfmil@ecf.courtdrive.com
Celine P. DerKrikorian on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited
Liability Company ecfmil@mwc-law.com
Daniel J. Boger on behalf of Debtor Richard Lee Testut dnlboger@yahoo.com,
dboger@shepleylaw.com; mjury@shepleylaw.com; bk@shepleylaw.com
Daniel J. Boger on behalf of Joint Debtor Annette Jean Crowe dnlboger@yahoo.com,
dboger@shepleylaw.com; mjury@shepleylaw.com; bk@shepleylaw.com
James Warmbrodt on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited
Liability Company bkgroup@kmlawgroup.com
Jill Manuel-Coughlin on behalf of Creditor BANK OF AMERICA, N.A. bankruptcy@powerskirn.com
Jon A. McKechnie on behalf of Debtor Richard Lee Testut jmckechnie@shepleylaw.com,
bk@shepleylaw.com
Jon A. McKechnie on behalf of Joint Debtor Annette Jean Crowe jmckechnie@shepleylaw.com,
bk@shepleylaw.com
Kristen D. Little on behalf of Creditor BANK OF AMERICA, N.A. pabk@logs.com, klittle@logs.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 13